

## **Guidance on Gender Reassignment for Staff**

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## 1. Context

'The University of Cambridge is committed in its pursuit of academic excellence to equality of opportunity and to a pro-active and inclusive approach to equality, which supports and encourages all under-represented groups, promotes an inclusive culture, and values diversity.'

*Equal Opportunities Policy (2011)*

In developing the Guidance on Gender Reassignment, information from specialist external organisations, like Press for Change<sup>1</sup> and the Equality Challenge Unit<sup>2</sup>, the higher education equality body, was researched. In addition, the views from different stakeholders from within the University were sought. These included the University's LGB&T Staff Network, the HR School Teams, the Senior Tutor representative of the University's E&D Consultative Forum and the Legal Services Office.

## 2. Status and Eligibility

This Guidance provides information on good practice to support staff and institutions in implementing the University's Equal Opportunity Policy in relation to gender reassignment. This guidance is not University policy, does not form part of employees' terms and conditions of employment and may be subject to change. It is not intended to remove any current protections afforded to employees under their contracts of employment or under existing legislation or other local arrangements agreed by the University and trades unions.

The purpose of this Guidance is to assist managers, administrators and members of staff in the understanding of:

- gender reassignment, and,
- the issues that may affect members of staff who are considering or currently undertaking, or have undergone gender reassignment.

## 3. What is Gender Reassignment

A decision to undertake gender reassignment is made when an individual feels that his or her gender at birth does not match their gender identity. This is called '[gender dysphoria](#)' and is a recognised medical condition.

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<sup>1</sup> Press for Change [transequality.co.uk/default.aspx](http://transequality.co.uk/default.aspx)

<sup>2</sup> Trans staff and students in higher education: revised 2010  
[www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised](http://www.ecu.ac.uk/publications/trans-staff-and-students-in-he-revised)

Gender reassignment refers to individuals, whether staff, who either:

- have undergone, intend to undergo or are currently undergoing gender reassignment (medical and surgical treatment to alter the body) or
- do not intend to undergo medical treatment but wish to live permanently in a different gender from their gender at birth.

‘Transition’ refers to the process and/or the period of time during which gender reassignment occurs (with or without medical intervention).

Not all people who undertake gender reassignment decide to undergo medical or surgical treatment to alter the body. However, some do and this process may take several years. Additionally, there is a process by which a person can obtain a Gender Recognition Certificate, which changes their legal gender (See Obtaining a Gender Recognition Certificate).

People who have undertaken gender reassignment are sometimes referred to as Transgender or Trans (see Glossary).

#### *Transgender and Sexual Orientation*

It should be noted that sexual orientation and transgender are not inter-related. It is incorrect to assume that someone who undertakes gender reassignment is lesbian or gay or that his or her sexual orientation will change after gender reassignment. However, historically the campaigns advocating equality for both transgender and lesbian, gay and bisexual communities have often been associated with each other. As a result, the University’s staff and student support networks have established diversity networks that include both Sexual Orientation and Transgender groups.

## 4. Protections in Law

The [Equality Act 2010](#) provides protections prohibiting unlawful discrimination, harassment and victimisation of staff, students or visitors on the grounds of gender reassignment. This applies to employment, education (including higher education) and in the provision of goods and services. The University, as a public authority, also has [public equalities duties](#) in relation to gender reassignment.

The protection from unlawful discrimination, harassment and victimisation is available to all individuals who intend to live their lives permanently in the opposite gender from their gender at birth.

**There is no need for the individual to be under medical supervision or intend to undertake reassignment surgery to benefit from the legal protections.**

Additionally, the [Gender Recognition Act 2004](#) allows individuals who have undergone gender reassignment to obtain a Gender Recognition Certificate (GRC). This means that she or he is legally recognised for all purposes in the acquired gender.

**It is a criminal offence under this legislation to disclose information obtained in an ‘official capacity’ (i.e. as part of a person’s job of function within the University) about the gender history of a person with a GRC.**

Whilst an individual is undergoing the gender reassignment process she or he benefits from protection from unlawful discrimination, harassment or victimisation.

## 5. Medical or Surgical Procedures

Not all people who undertake gender reassignment choose to undergo medical or surgical treatment. For those individuals who decide to do this, the process may involve a number of medical or surgical interventions that may last several years. This may be done either privately or through the National Health Service.

The following summarises the main stages:

- The individual must live and work as a member of the opposite gender for at least a year. This period is called a real-life test and enables an individual to experience life as a member of the opposite gender.
- After the real-life test, the individual may then undergo treatments, therapies or medical procedures. These could include hormone injections, hair removal, mastectomy, breast augmentation, genital realignment and cosmetic surgery.

[Trans Staff and Students in Higher Education](#) (ECU, 2010) provides more information on the process of gender reassignment.

## 6. Obtaining a Gender Recognition Certificate

Under the [Gender Recognition Act 2004](#), an individual can legally change his or her gender by complying with the process outlined in the Act.

A Gender Recognition Certificate (GRC) is issued by a Gender Recognition Panel made up of at least one legally and one medically qualified member.

**There is no requirement for an individual to undergo medical or surgical treatment to obtain a GRC.**

The effect of obtaining a Gender Recognition Certificate for an individual is significant. For example, a male to female transgender person will be:

- entitled to be issued with a new birth certificate reflecting the changed gender
- legally recognised as a woman 'for all purposes' including the criminal law
- entitled to state benefits and occupational pension schemes on the same basis as other women
- able to marry a man or enter into a civil partnership with a woman.

### **Applying for a Gender Recognition Certificate**

The [Gender Recognition Act 2004](#) outlines the procedure for obtaining a Gender Recognition Certificate in the UK. An individual must provide evidence to satisfy a Gender Recognition Panel that he or she:

1. is at least 18 years of age;
2. has or has had [gender dysphoria](#);
3. has fully lived in the acquired gender for at least two years;
4. is not married or in a civil partnership; and
5. intends to live permanently in the acquired gender

If these conditions are satisfied the Gender Recognition Panel will issue a full Gender Recognition Certificate.

Note: it is not appropriate to ask to see a Gender Recognition Certificate as holders will have a modified Birth Certificate which is evidence of gender. However, a holder of a Gender Recognition Certificate may volunteer to provide this as evidence of gender.

## **7. Supporting Staff**

This section provides information to a manager or a colleague on supporting a member of staff who is undergoing gender reassignment.

When a member of staff notifies a manager that he or she has decided to undergo gender reassignment, the manager should arrange to meet with him or her to discuss this and possible issues that may arise.

A range of issues may need to be considered and the Transition Support Checklist will help you to do this.

It will need to be agreed with the staff member how and when colleagues and others are informed about the transition. The manager will also need to agree with the staff member whether others, such as suppliers, students or

customers, are informed. If possible, colleagues should be briefed before the staff member attends work as a member of the opposite gender.

If there is a dress code or the staff member wears a uniform to work, the manager and staff member should discuss whether or not any flexibility is required during the transition process and, if it is, agree what form this should take and over what time period.

Managers should meet with the individual regularly to discuss any concerns. Advice may be sought from [HR Schools Team](#) and/or [Occupational Health](#) to resolve questions that may arise.

### **Understanding and awareness**

In addition to managing the practicalities of the transition process, it may help to provide colleagues with information on gender reassignment. This can help to dispel prejudice and possible hostility due to a lack of awareness or understanding of gender reassignment. Work colleagues should also be asked to refer to the transsexual person by his or her new name and to use the appropriate pronouns.

Managers need to be proactive in ensuring that a colleague who is undergoing gender reassignment does not become the target of bullying, harassment or discrimination. Managers should try to address quickly any concerns that other colleagues may have and remind them of the University's Dignity at Work Policy and that any incidents of bullying or harassment will be dealt with under the relevant disciplinary procedure.

It should be made clear that these behaviours are inconsistent with the University's policies on equal opportunities and Dignity@Work, and that harassment and discrimination are unlawful.

Support and guidance can be obtained from the [HR School Teams](#) or [Dignity at Work contacts](#)

## **8. Pensions**

A staff member's gender (until 2018) will determine the age at which he or she becomes entitled to a state pension. In relation to gender reassignment, the member of staff will need to obtain a Gender Recognition Certificate or modified Birth Certificate if she or he wishes to claim pension rights according to their chosen gender. If the member of staff does not provide either of these documents, their state pension rights will follow the rules related to the gender stated on the original Birth Certificate.

Queries related to pensions should be directed to the University's [Pension Office](#).

## 9. Time Off

The manager and staff member should discuss what time off is likely to be required and when, if known. The [Summary of Leave](#) information details leave entitlements for staff members.

Medical treatments relating to gender reassignment should be managed and recorded as time off in accordance with the University [Ill-Health and Sickness Absence](#) procedures. Time off for these purposes should be treated no more or less favourably than time off for illness or other medical appointments.

A sympathetic approach, while considering operational needs, should be adopted if a member of staff requests time off to undergo non-medical treatments relating to gender reassignment.

A staff member may also request to take a period of leave before returning to work in his or her new gender. It will be necessary to consider whether this is to be part of his or her normal annual leave entitlement or some form of special leave. The University's Special Leave Policy provides further information to guide decision making.

## 10. Information Records and Privacy

All relevant records including the staff member's personal file, email details, swipe cards, identification passes, library cards, and other contact information should be changed to reflect the chosen gender and name before the transition of the staff member.

The number of people who need to be informed about the gender reassignment of the staff member should be carefully managed. Details relating to an individual's gender reassignment should be given to other staff members only if this information is needed for his or her job. In such cases the sensitive nature of this information should be made clear. Both during and after transition, all records relating to the staff member's gender reassignment or transgender status should be kept confidential and treated as 'sensitive data' for data protection purposes. Information about a staff member's gender history should not be disclosed to a third party without the member of staff's written consent.

It is recommended that, where possible, information that needs to be retained relating to the staff member's previous identity, for example copies of qualification certificates, or gender reassignment or transgender status be kept confidential and separate from their current record.



Where records require the person's legal name to be held, changes can only be made with supporting documentation, e.g. Deed Poll, which record the person's chosen legal name. When recording an individual's change of name it is important to confirm his or her preferred title (i.e. Ms, Miss or Mr).

Similarly, where a person's gender is recorded, unless it is necessary for a legal or fiscal reason, e.g. pensions, this information should be changed as requested. Other information which may disclose a person's previous gender, e.g. membership of a club or society should only be retained with the individual's consent.

There are some roles or courses which may require a criminal record check, such as those with access to young (e.g. teaching courses or Childcare Office positions) or vulnerable people. The Criminal Record Bureau has a specific service to support Transgender people. Those wishing to use this process must contact the CRB Transgender line directly on 0151 676 1452 or via the dedicated email address for inquiries regarding transgender applications.

[crbsensitive@crb.gsi.gov.uk](mailto:crbsensitive@crb.gsi.gov.uk)

**Note: it is not appropriate to ask to see a Gender Recognition Certificate as holders will have a modified Birth Certificate which is evidence of gender. However, a holder of a Gender Recognition Certificate may volunteer to provide this as evidence of gender.**

## 11. Access to Facilities

Once an individual decides to live permanently in a gender that is different to the one recorded at birth, **he or she is entitled to access the facilities of the acquired gender**. For example, when a staff member transitions he/she will want to use the facilities, such as toilets and changing rooms, for their acquired gender.

**He or she does not need to be under medical supervision or have undergone surgery to benefit from this right.**

All members of the University should remain conscious of the duty to ensure that transitioning staff and students are treated with dignity and respect. This reflects the University commitment to equal opportunities, dignity at work and study, and the law, which all apply to all members of the University community.

## 12. Bullying and Harassment

The University is committed to protecting the dignity of all its staff, students and visitors.

Bullying, harassment and discrimination of a transitioning individual may involve verbal or physical abuse. This could include inappropriate use of

language, references to sexual orientation or sexuality and continuing to refer to the person's previous gender.

Within the University, support for dealing with Transphobic Bullying and Harassment is available through the [Dignity at Work contacts](#) (for members of staff), [the Mediation Service](#) and through the [HR Schools Team](#) (for staff).

Additionally, [Open Out](#), a Cambridgeshire wide hate crime reporting service, provides information and support to people experiencing harassment.

## 13. Sources of Information and Guidance

Managers and Administrators have a particular responsibility for supporting staff who decide to go through gender reassignment and for dealing with any issues which may arise from this. However, it is recognised that support may be needed from others to do this effectively. Additional sources of information and guidance can be found below.

- the [Equality and Diversity Section](#)
- the [Lesbian, Gay, Bisexual and Trans Staff Network](#)
- HR School Teams
- [Dignity at Work contacts](#)
- [the Mediation Service](#)
- [Trade Unions](#)

There are a number of external organisations that provide information, support and guidance on gender reassignment and transgender issues for employers and individuals:

- Press for Change [www.pfc.org.uk](http://www.pfc.org.uk)
- The Gender Trust [www.thegendertrust.org.uk](http://www.thegendertrust.org.uk)
- A:gender [www.agender.org.uk](http://www.agender.org.uk)

## 14. Transition Support Checklist

This checklist is designed to ensure that appropriate actions are taken to manage transition both sensitively and professionally.

It will be necessary to have a formal meeting with the person who is transitioning and agree an individual action plan, including dates by which actions will be taken.

The action plan should include:

1. How information regarding transition will be managed and who will have access to it
2. The date of living full-time in the new gender
3. When to start using single sex facilities, for example toilets

4. When formal documentation will change
5. When, if at all, leave may be required for treatment or surgery

### **A. Telling colleagues/students/staff**

It is important to discuss how and when other colleagues and/or, where appropriate, students will be informed. The person who is transitioning may want to do this for his or herself or may want this to be done for them. Whichever option is chosen, it is important that the person transitioning retains some control over what and when people are told and the language used to explain this.

When dealing with information between the University and College, it is important to follow confidentiality, data protection and disclosure protocols.

### **B. Name and Title Change**

It is important to identify which of the following cards/badges need to be changed so that an individual's identity is consistently recognised throughout the institution. Where appropriate, this should include modifying records containing a gender specific title (like Mr, Mrs, Miss or Ms). Particular attention should be placed on photographic identity documents:

- University ID card
- Computer log-in details (CRSid)
- Professional membership cards

Replace or alter the following records:

- CHRIS – Cambridge Human Resources Information System
- Payroll details
- Personnel files in HR and Institutions
- Supervisor records
- Welfare/disability/counselling records
- Pension: death in service and dependents' benefits
- Insurance policies
- Research council records

### **C. Process**

If the staff member requires time off for surgery and recovery discuss what support and/or adjustments are needed to ensure that he or she is able to remain at work.

Discuss any work or course absence that may be needed due to gender reassignment. Staff members should be treated in accordance with relevant University HR policies.

## D. Training

It is important that all relevant people are informed of their rights and responsibilities to facilitate the staff member's gender reassignment and eliminate unlawful discrimination, harassment and victimisation.

Therefore, it may be necessary to provide information or training to colleagues. The University has developed on-line [Equality and Diversity training](#) to assist with this. The Equality & Diversity training is differentiated for staff with management responsibility and staff without management responsibility.

Additional specific training around appropriate behaviour or gender reassignment may be necessary or advisable. Contact the ED&I team at [equality@admin.cam.ac.uk](mailto:equality@admin.cam.ac.uk) for further information and guidance.

## E. Ceremonies and Certificates

Some members of staff may be awarded degrees. The name used on degree ceremony programmes or the name that is read out during the degree ceremony should be agreed with the staff member.

However, as a degree certificate is a legal document, the staff member's legal name must be used. Evidence will be required to issue a degree certificate in a name that is different from that held by the University. This could be, for example, a copy of the person's Deed Poll Certificate. It is strongly advised to work in advance of the ceremony to confirm arrangements.

If it is not possible to issue the certificate in the staff member's chosen name or where transition occurs after graduation or course completion, it would be appropriate to re-issue the certificate.

# 15. Definitions and Terms

The following list provides a glossary of common terms associated with gender reassignment. The definitions are based on those provided by [Equality Challenge Unit guidance](#).

### Acquired Gender

The new gender of a person who has undergone gender reassignment

*Note: surgical intervention is not necessary in order to acquire a new gender.*

### FtM

Female-to-male - a person who is changing or has changed gender from female to male.

**MtF**

Male-to-female - a person who is changing or has changed gender from male to female.

**Gender dysphoria**

This is the medical term for the condition in which a person has been assigned one gender (usually at birth on the basis of their sex) but identifies as belonging to another gender, or does not conform to the gender role society ascribes to the particular gender.

*Note: Gender dysphoria is not a sexual orientation.*

**Gender and Gender Identity**

Gender identity is the person's internal perception and experience of his or her gender. In law gender is binary and defined as male or female.

**Trans**

A term that is used by some trans people (transsexual and transgender) who are open about their transgender status and/or believe that transition does not mean they become men or women. It can also be used as a generic term to refer to the trans community.

*Note: Some people who undergo gender reassignment want to live in the acquired gender and do not want to be part of a separate group.*

**Transsexual**

A person who feels a consistent and overwhelming desire to transition and live his or her life as a member of the opposite gender

**Transgender**

An umbrella term for people whose gender identity differs from their birth gender

Transgender can refer to a range of groups including transsexual people and those who see themselves as not clearly fitting into a male or female identity. Transgender people may or may not alter their bodies hormonally and/or surgically. The term transgender should only be used as an adjective, for example, 'transgender people'.

**Transition**

This refers to the process and/or the period of time during which gender reassignment occurs (whether with or without medical intervention).

**Transvestite or Cross-Dresser**

This refers to a person who dresses in clothing typically worn by the opposite sex. A transvestite may not necessarily wish to alter his or her body.

Similarly he or she may not experience gender dysphoria or live permanently in the opposite gender to that of their birth.

## 16. Reference

Version	Summary of amendment	Date
TGG v1.0	Updated Guidance	26 January 2012